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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,775	11/01/2000	Robert T. Love	CE08951R	2449
22917	7590	07/02/2004	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			SCHULTZ, WILLIAM C	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/703,775

Applicant(s)

LOVE ET AL.

Examiner

William C. Schultz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/4/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged based upon the provisional application 60/197,588 filed on 4/17/2000.

### *Information Disclosure Statement*

The information disclosure statement (IDS) submitted on 2/04/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. [U.S. Pat. 6,621,809] and further in view of Lee et al. [U.S. Pat. 6,674,739].

Regarding claims 1,2,13,14,18, Lee et al.('809) discloses a first control channel (**col. 8, lines 18-20 – F-DCCH**) communicating a first set of control information (**col. 8, lines 31-34 – power control bit**) to at least one component within the communication system and a second control channel (**col. 8, lines 15-18 – F-CCCH**) communicating a second set of control information (**col. 8, line line 47 – demultiplexed data**) to at least one component within the communication system.

Lee et al.('809) further discloses transmitting a channel assignment message that contains an orthogonal code. **(col. 10, lines 55-62)**

Lee et al. ('809) fails to disclose what channel the channel assignment message is transmitted on.

Lee et al. ('739) discloses transmitting a spreading code, which is orthogonal, on a forward common channel for identification of a reverse common channel. **(col. 3, line 60 – col. 4, line 1)**

One skilled in the art would know that the transmission of the spreading code of the reverse channel is selective of the reverse channel amongst all the other channels that are being transmitted knowing that CDMA transmits multiple channels at the same time only being separated by a code.

It would have been obvious for one of ordinary skill in the art at the time of invention to transmit the orthogonal code on the first control channel so that the mobile could pick up the second control channel, otherwise the invention would fail to operate because the mobile would have no way of acquiring the channel.

Regarding claims 3,15, Lee et al. ('809) further discloses the first set of control information further includes dedicated control information. **(col. 8, lines 18-20 – F-DCCH)**

Regarding claims 4,16, Lee et al. ('809) further discloses the dedicated control information includes at least one of power control information and reverse link scheduling information. **(col. 8, lines 31-34 – power control bit; col. 8, lines 41-42)**

Regarding claims 5,19, Lee et al. ('739) further discloses the first set of control information includes at least one of a starting Walsh code assignment of the data channel, information concerning the modulation type of the data channel, a coding rate and message sequence length. ((('809)col. 10, lines 55-62; - walsh code ('739)col. 3, line 65 – a spreading code is a walsh code)

Regarding claims 6,17, Lee et al. ('809) further discloses the second control channel is a shared control channel selected from a plurality of pooled shared control channels(col. 8, lines 11-14 – pilot channel and FCCH are both pool shared control channels) based on the indicator value. (col. 10, lines 55-62)

Regarding claims 7,20, Lee et al. ('809) further discloses the second set of control information includes at least one of information for demodulating information transmitted on the data channel(col. 10, lines 55-62 - the walsh code is used for demodulating), gain information(col. 8, lines 31-34 – power control bit), and ARQ information.

Regarding claims 8,21, Lee et al. ('809) further discloses the communication system is a code division multiple access system. (title)

Regarding claims 9,22, Lee et al. ('809) further discloses the first and second control channels are part of a forward link in the code division multiple access system. (col. 8, lines 15-20 both are forward)

Regarding claims 10,23,25, Lee et al. ('809) further discloses the first set of control information includes an indicator value that is used by the communication

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system to indicate that the second set of control information on the second control channel is not transmitted to the at least one component. **(col. 13, lines 40-44)**

Regarding claims 11,24, Lee et al. ('809) further discloses transmitting data on a data channel to the at least one component; and wherein the first set of control information includes an indicator value that is used by the communication system to indicate that the second set of control information on the second control channel is transmitted to the at least one component, to identify the second control channel and to indicate that data on the data channel is not transmitted to the at least one component. **(col. 13, lines 40-44)**

Regarding claims 12,25,26 Lee et al. ('809) further discloses transmitting data on a data channel to the at least one component; and wherein the first set of control information includes an indicator value that is used by the communication system to indicate that the second set of control information on the second control channel is not transmitted to the at least one component and data on the data channel is not transmitted to the at least one component. **(col. 13, lines 40-44)**

Regarding claims 12,25,27, Lee et al. ('809) further discloses transmitting data on a data channel to the at least one component; and wherein the first set of control information includes an indicator value that is used by the communication system to indicate that the second set of control information on the second control channel is not transmitted to the at least one component and data on the data channel is not transmitted to the at least one component. **(col. 13, lines 40-44)**

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Schultz whose telephone number is 703-305-2367. The examiner can normally be reached on M-F(7-4)(first bi-week) M-Th(7-4)(second bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William Schultz



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